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10/584,833	06/27/2006	Hitoshi Ohmuro	29215-4US40PCT	3449
22850 7590 08/23/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER HARLEY, JASON A				
ART UNIT		PAPER NUMBER		
2468				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/584,833

Applicant(s)

OHMURO ET AL.

Examiner

JASON HARLEY

Art Unit

2468

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2008 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-842)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 14, 2011 has been entered. In addition, in response to the Amendment filed on February 14, 2011 in which claims 1-19 have been cancelled and the newly added claims 20-24 are pending.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 24 states “means for concatenating frame output acoustic signals outputted from the acoustic signal packet decoding means or the loss handling means and outputting the concatenated frame output acoustic signal”, the specification does not provide a written description for the limitation.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claim 24 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Regarding claim 24, the claim limitation recites “a computer readable medium that has stored therein acoustic signal packet transmitting program”. Thus, applying the broadest reasonable interpretation in light of the specification and taking into account the meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art (MPEP §2111), the claims as a whole cover both transitory and non-transitory media. A transitory medium does not fall into any of the 4 categories of invention (i.e. process, machine, manufacture, or composition of matter). Hence, claim 14 does not fall within any statutory category under 35 USC §101.

The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. See *In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable

interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009; p. 2.

The USPTO recognizes that applicants may have claims directed to computer readable media that cover signals per se, which the USPTO must reject under 35 U.S.C. § 101 as covering both non-statutory subject matter and statutory subject matter. In an effort to assist the patent community in overcoming a rejection or potential rejection under 35 U.S.C. § 101 in this situation, the USPTO suggests the following approach. A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation “non-transitory” to the claim. Cf. *Animals - Patentability*, 1077 Off. Gaz. Pat. Office 24 (April 21, 1987) (suggesting that applicants add the limitation “non-human” to a claim covering a multi-cellular organism to avoid a rejection under 35 U.S.C. § 101). Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning that includes signals per se. The limited situations in which such an amendment could

raise issues of new matter occur, for example, when the specification does not support a non-transitory embodiment because a signal per se is the only viable embodiment such that the amended claim is impermissibly broadened beyond the supporting disclosure. See, e.g., *Gentry Gallery, Inc. v. Berkline Corp.*, 134 F.3d 1473 (Fed. Cir. 1998). Therefore, claim 24 is non-statutory.

Claim Rejections - 35 USC § 103

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 20-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai et al. (U.S. Pub No. 2005/0002409 A1) in view of Ofek (U.S. Pat. No. 6,038,230) and further in view of Lakanieni et al. (U.S. Pub. No. 2003/00043856 A1).

Claim 20, Lai explains an acoustic signal packet transmitting method for a communication apparatus including a transmitting unit and a receiving unit, in the transmitting unit (Lai, par 0001). The paragraph shows communication between mobile terminals in a packet network, the mobile terminals are shown to have transmitting and receiving unit. Lai show a step of dividing an acoustic signal such as a voice or music signal into given time segments called frames to generate a frame acoustic signals, generating from each frame acoustic signal corresponding data corresponding to the frame acoustic signal of each frame and a containing step of containing the frame acoustic signal and the acoustic signal corresponding data in packets and transmitting the packets (Lai, par 0085, 0086). The paragraphs show systems that are able to transmit and receive voice data. It shown where acoustic signal is signaled into time segments frames contained in a buffer. Lai show the acoustic signal packet transmitting method further comprises in the receiving unit, a determination step of determining at least one of a jitter state of a received packet and a loss state of a received packet a step of using the result of the determination made in the determination step to determine as a targeted value of the number of stored packets, the number of packets to be stored in the receiving buffer and in the transmitting unit (Lai, par 0097, 0099, 0100, 0105). The paragraphs show determining a jitter state of a

received packet and determining a target value of stored packets in the buffer. Lai fails to show said containing step of containing a delay amount control information indicating a difference of frame numbers in the same packet that contain the frame acoustic signal the acoustic signal corresponding data is a data for a frame having a frame number different by amount indicated by the delay amount control information a step of setting the delay amount control information to a value smaller than or equal to the targeted value of the number of stored packet which is determined at the receiving unit. In an analogous art Ofek show the acoustic signal packet communicating method further comprising the steps of: in the transmitting unit, containing step of containing a delay amount control information indicating a difference of frame numbers in the same packet that contain the frame acoustic signal the acoustic signal corresponding data is a data for a frame having a frame number different by amount indicated by the delay amount control information(Ofek, col 4, ln 53-61, col 9, ln 6-14, col 11, 43-56). The columns show the controller forward data which is shown to include audio information, and delay amount control information that has a value that indicates a difference between two frames. At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lai and Ofek because the amount of control information are contained in the same packet and transmitted. Lai and Ofek fail to show a step of setting the delay amount control information to a value smaller than or equal to the targeted value of the number of stored packet which is determined at the receiving unit. In an analogous art Lakaniemi show a step of setting the delay amount control information to a value smaller than or equal to the targeted value of the number of stored packet which is determined at the receiving unit (Lakaniemi, abstract, par 0012 0025). The paragraphs show setting the delay amount information to a smaller than the number of

stored buffer data. At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lai, Ofek, and Lakaniemi because the determining step adjusts the synchronization delay so that the average duration approach a desired jitter duration.

Claim 21, Lai provides an acoustic signal packet communicating method between a first communication apparatus including both a transmitting unit and a receiving unit and a second communication apparatus including both a transmitting unit and a receiving unit, comprising (Lai, par 0001); in the transmitting unit in the first communication apparatus: a step of dividing an acoustic signal such as a voice or music signal into given time segments called frames to generate frame acoustic signals and generating, from each frame acoustic signal, acoustic signal corresponding data as data corresponding to the frame acoustic signal; and a containing step of containing the frame acoustic signal and the acoustic signal corresponding data in each packet and transmitting the packet (Lai, par 0085, 0086). The paragraphs show systems that are able to transmit and receive voice data. It shown where acoustic signal is signaled into time segments frames contained in a buffer. Lai show in the receiving unit in the second communication apparatus: a determination step of determining at least one of a jitter state of a received packet and a loss state of a received packet; a step of using the result of the determination made in the determination step to determine, as a targeted value of the number of stored packets, the number of packets to be stored in the receiving buffer (Lai, par 0097, 0099, 0100, 0105) a step of sending the targeted value of the number of stored packets to the transmitting unit in the second communication apparatus (Lai, par 0092, 0095). The paragraphs show determining a jitter state of a received packet and determining a target value of stored packets in the buffer. Lai in the

transmitting unit in the second communication apparatus: a step of containing the targeted value of the number of stored packets sent from the receiving unit in the second communication apparatus in a packet as information for specifying delay amount control information to be set in the transmitting unit in the first communication apparatus (Lai, par 0040, 0097). The paragraph shows containing the values in of the stored packets. Lai fails to show said containing step further includes containing a delay amount control information indicating a difference of frame numbers in the same packet that contains the frame acoustic signal; the acoustic signal corresponding data is a data for a frame having a frame number different by a value indicated by the delay amount control information. In an analogous art Ofek show said containing step further includes containing a delay amount control information indicating a difference of frame numbers in the same packet that contains the frame acoustic signal; the acoustic signal corresponding data is a data for a frame having a frame number different by a value indicated by the delay amount control information (Ofek, col 4, ln 53-61, col 9, ln 6-14, col 11, 43-56). The columns show the controller forward data which is shown to include audio information, and a delay amount control information that has a value that indicates a difference between two frames. At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lai and Ofek because the amount of control information are contained in the same packet and transmitted. Lai and Ofek fail to show in the transmitting unit in the first communication apparatus: a step of setting delay amount control information to a value smaller than or equal to the targeted value of the number of stored packets contained in a packet sent from the transmitting unit in the second communication apparatus. In an analogous art Lakaniemi show in the transmitting unit in the first communication apparatus: a step of

setting delay amount control information to a value smaller than or equal to the targeted value of the number of stored packets contained in a packet sent from the transmitting unit in the second communication apparatus (Lakaniemi, abstract, par 0012 0025). The paragraphs show setting the delay amount information to a smaller than the number of stored buffer data. At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lai, Ofek, and Lakaniemi because the determining step adjusts the synchronization delay so that the average duration approach a desired jitter duration.

Claim 22 Lai describes an acoustic signal packet communicating method between a first communication apparatus including both a transmitting unit and a receiving unit and a second communication apparatus including both a transmitting unit and a receiving unit, comprising: in the transmitting unit in the first communication apparatus: a step of dividing an acoustic signal such as a voice or music signal into given time segments called frames to generate frame acoustic signals and generating, from each frame acoustic signal, acoustic signal corresponding data as data corresponding to the frame acoustic signal; (Lai, par 0001, 0085, 0086). The paragraphs show systems that are able to transmit and receive voice data. It shown where acoustic signal is signaled into time segments frames contained in a buffer. Lai show the acoustic signal packet communicating method comprises: in the receiving unit in the second communication apparatus: a step of measuring, as a remaining buffer amount, the number of packets stored in the receiving buffer (Lai, par 0072, 0076). The paragraphs show measuring a remaining buffer amount of the number of packet stored. Lai also show a step of sending the remaining buffer amount to the transmitting unit in the second communication apparatus; in the transmitting unit in the second communication apparatus: a step of containing the remaining

buffer amount sent from the receiving unit in the second communication apparatus in a packet as information for specifying delay amount control information to be set in the transmitting unit in the first communication apparatus and transmitting the packet (Lai, par 0077, 0088, 0095). The paragraph shows containing the values of the remaining buffer of the stored packets. Lai fails to show a containing step of containing the frame acoustic signal and the acoustic signal corresponding data in each packet and transmitting the packet; said containing step further includes containing a delay amount control information indicating a difference of frame numbers in the same packet that contains the frame acoustic signal, the acoustic signal corresponding data is a data for a frame having a frame number different by a value indicated by the delay amount control information. In an analogous art Ofek show a containing step of containing the frame acoustic signal and the acoustic signal corresponding data in each packet and transmitting the packet; said containing step further includes containing a delay amount control information indicating a difference of frame numbers in the same packet that contains the frame acoustic signal, the acoustic signal corresponding data is a data for a frame having a frame number different by a value indicated by the delay amount control information (Ofek, col 4, ln 53-61, col 9, ln 6-14, col 11, 43-56). The columns show the controller forward data which is shown to include audio information, and a delay amount control information that has a value that indicates a difference between two frames. At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lai and Ofek because the amount of control information are contained in the same packet and transmitted. Lai and Ofek fail to show in the transmitting unit in the first communication apparatus: a step of setting delay amount control information to the remaining buffer amount contained in a packet sent from the

transmitting unit in the second communication apparatus. In an analogous art Lakaniemi show in the transmitting unit in the first communication apparatus: a step of setting delay amount control information to the remaining buffer amount contained in a packet sent from the transmitting unit in the second communication apparatus (Lakaniemi, abstract, par 0012 0025). The paragraphs show setting the delay amount information to a smaller than the number of stored buffer data. At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lai, Ofek, and Lakaniemi because the determining step adjusts the synchronization delay so that the average duration approach a desired jitter duration.

Claim 24 Lai, Ofek, and Lakaniemi convey a computer readable recording medium that has stored therein an acoustic signal packet transmitting program for causing a computer to perform the steps of the acoustic signal packet transmitting method according to claim 20 (Lai, par 0043, 0084). The paragraphs show a computer readable recording medium that has stored therein an acoustic signal packet transmitting program.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai et al. (U.S. Pub No. 2005/0002409 A1) in view of Ofek (U.S. Pat. No. 6,038,230) further in view of Lakaniemi et al. (U.S. Pub. No. 2003/00043856 A1) and furthermore in view of Serizawa (U.S. Pub No. 2002/0169859).

Claim 23 Lai conveys an acoustic signal packet communicating apparatus comprising: a transmitting unit having: means for dividing an acoustic signal such as a voice or music signal into given time segments called frames to generate frame acoustic signals; and means for

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generating from each frame acoustic signal, acoustic signal corresponding data as data corresponding to the frame acoustic signal; containing means for containing the frame acoustic signal and the acoustic signal corresponding data in each packet; and means for transmitting the packets; and a receiving unit having: a receiving buffer for storing therein received packets; (Lai, par 0085, 0086). The paragraphs show systems that are able to transmit and receive voice data. It shown where acoustic signal is signaled into time segments frames contained in a buffer. Lai show the receiving unit further comprises determining means for determining at least one of a jitter state of a received packet and a loss state of a received packet and means for determining, as the targeted value of the number of stored packets, the number of packets to be stored in a receiving buffer by using the result of the determination made by the determining means; (Lai, par 0092, 0095, 0097, 0099). The paragraphs show determining a jitter state of a received packet and determining a target value of stored. Lai fails to show said containing means in the transmitting unit is configured to contain delay amount control information indicating a difference of frame numbers in the same packet that contains the frame acoustic signal; the acoustic signal corresponding data is a data for a frame having a frame number different by a value indicated by the delay amount control information. In an analogous art Ofek show said containing means in the transmitting unit is configured to contain delay amount control information indicating a difference of frame numbers in the same packet that contains the frame acoustic signal; the acoustic signal corresponding data is a data for a frame having a frame number different by a value indicated by the delay amount control information (Ofek, col 4, In 53-61, col 9, In 6-14, col 11, 43-56). The columns show the controller forward data which is shown to include audio information, and a delay amount control information that has a value that

indicates a difference between two frames. At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lai and Ofek because the amount of control information are contained in the same packet and transmitted. Lai and Ofek fail to show the transmitting unit further comprises means for setting the delay amount control information to a value less than or equal to the targeted value of the number of stored packets. In an analogous art Lakaniemi the transmitting unit further comprises means for setting the delay amount control information to a value less than or equal to the targeted value of the number of stored packets (Lakaniemi, abstract, par 0012 0025). The paragraphs show setting the delay amount information to a smaller than the number of stored buffer data. At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lai, Ofek, and Lakaniemi because the determining step adjusts the synchronization delay so that the average duration approach a desired jitter duration. Lai, Ofek, and Lakaniemi fail to show loss detecting means for determining whether or not a packet containing a frame acoustic signal associated with the number of the frame to be extracted is stored in the receiving buffer; acoustic signal packet decoding means for, when it is determined in the loss detecting means that the packet containing the frame acoustic signal associated with the frame number of the frame to be extracted is stored in the receiving buffer, extracting the frame acoustic signal from the packet stored in the receiving buffer and providing the frame acoustic signal as a frame output acoustic signal; loss handling means for, when a packet loss occurs as determined in the loss detecting means in that the packet containing the frame acoustic signal associated with the frame number of the frame to be extracted is not stored in the receiving buffer, extracting an acoustic signal corresponding data for the frame as a lost frame, from a packet stored in the receiving buffer and

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generating a frame output acoustic signal by using the acoustic signal corresponding data; and means for concatenating frame output acoustic signals outputted from the acoustic signal packet decoding means or the loss handling means and outputting the concatenated frame output acoustic signal said loss handling means in the receiving unit is configured to obtain, when a packet loss occurs, acoustic signal corresponding data having the same frame number as that of a lost frame from the packet in the receiving buffer by using the delay amount control information included in the packet. In an analogous art Serizawa show loss detecting means for determining whether or not a packet containing a frame acoustic signal associated with the number of the frame to be extracted is stored in the receiving buffer; (par 0013) acoustic signal packet decoding means for, when it is determined in the loss detecting means that the packet containing the frame acoustic signal associated with the frame number of the frame to be extracted is stored in the receiving buffer, extracting the frame acoustic signal from the packet stored in the receiving buffer and providing the frame acoustic signal as a frame output acoustic signal (par 0040, 0048); loss handling means for, when a packet loss occurs as determined in the loss detecting means in that the packet containing the frame acoustic signal associated with the frame number of the frame to be extracted is not stored in the receiving buffer, extracting an acoustic signal corresponding data for the frame as a lost frame, from a packet stored in the receiving buffer and generating a frame output acoustic signal by using the acoustic signal corresponding data; and means for concatenating frame output acoustic signals outputted from the acoustic signal packet decoding means or the loss handling means and outputting the concatenated frame output acoustic signal said loss handling means in the receiving unit is configured to obtain, when a packet loss occurs, acoustic signal corresponding data having the same frame number as that of a

lost frame from the packet in the receiving buffer by using the delay amount control information included in the packet; (Serizawa, abstract, par 0093, 0094, 0097). The paragraph show a determining means of loss of a packet containing a frame acoustic signal associated with the number of the frame to be extracted is stored in the receiving buffer whether has been lost and determining whether or packet lost exist as a whole. The transferring of the loss handling means and outputting the concatenated frame output acoustic signal for reuse. At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lai, Ofek, Serizawa, and Lakaniemi because this allow the deterioration of voice quality of a decoded signal to be reduced.

Response to Arguments

11. Applicant's arguments with respect to the cancelled claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HARLEY whose telephone number is (571)270-5435. The examiner can normally be reached on Monday- Friday 7:00 am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Cheng can be reached on (571)272-4433. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason A Harley/
Examiner, Art Unit 2468

/Joe H Cheng/
Supervisory Patent Examiner
Art Unit 2468